

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 16, 2013

Elisabeth A. Shumaker
Clerk of Court

In re:

DONALD ALTON HARPER,

Movant.

No. 13-3073
(D.C. No. 2:93-CR-20069-JWL-1)
(D. Kan.)

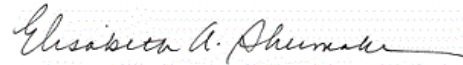
ORDER

Before **BRISCOE**, Chief Judge, **LUCERO** and **GORSUCH**, Circuit Judges.

Don Alton Harper moves for authorization to file a second or successive 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. This motion is his twelfth attempt to seek relief under § 2255 from his 1994 convictions for armed bank robbery and carrying a firearm during and in relation to a crime of violence. We have repeatedly warned Harper, beginning in 2006, that if he continued to challenge these convictions without satisfying the prerequisites set forth in § 2255, this court would impose sanctions. *See Harper v. United States*, No. 06-3303 (10th Cir. Oct. 30, 2006); *United States v. Harper*, 545 F.3d 1230, 1234 (10th Cir. 2008); *United States v. Harper*, 329 F. App'x 185, 186 (10th Cir. 2009) (denying certificate of appealability and dismissing appeal as sanction for filing frivolous appeal); *In re Don Alton Harper*, No. 11-3269 (10th Cir. Oct. 12, 2011) (warning Harper that this court would consider monetary sanctions if he persisted in filing frivolous challenges under § 2255).

Harper's current motion for authorization is yet another frivolous attempt to challenge the same convictions. We therefore deny authorization. This denial of authorization "shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari." 28 U.S.C. § 2244(b)(3)(E). In addition, because Harper has not heeded our warning against filing frivolous § 2255 challenges to his 1994 convictions for armed bank robbery and carrying a firearm during and in relation to a crime of violence, any future motion for authorization to file a second or successive § 2255 motion concerning those convictions shall be deemed denied on the thirtieth day following filing unless this court orders otherwise.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light blue grid background.

ELISABETH A. SHUMAKER, Clerk